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SUMMARY RECORD OF THE 56th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 18 January 1993, at 10 a.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 11) (continued)

Report of Sweden (CRC/C/3/Add.1)

1. At the invitation of the Chairman, Mr. Ifvarsson, Mr. Hakansson, Mrs. Gynna-Oguz, Mr. Lindquist and Mrs. Martensson (Sweden) took seats at the Committee table.

2. The CHAIRMAN welcomed the delegation of Sweden and invited it to introduce the Swedish report (CRC/C/3/Add.1). She drew attention to the list of 50 issues to be taken up in connection with the consideration of the report; they were contained in document CRC/C/3/WP.7. She suggested that the Swedish delegation should respond in the first place to issues 1 to 18.

3. Mr. IFVARSSON (Sweden) said that early in the drafting of the Convention the criticism had been heard that such an instrument was unnecessary since children were covered by the Universal Declaration of Human Rights. It had transpired, however, that children were often subjected to maltreatment, abuse and neglect and that their rights were illusory or existed only in theory. Today the Convention had become a yardstick for assessing the performance of nations in living up to the precepts to which they had committed themselves. In the international context Swedish children enjoyed privileged and secure living conditions but Sweden could not yet claim full compliance with the Convention.

4. As to the status of the Convention under Swedish domestic legislation (issue 1), Sweden had ratified it without reservation after a scrutiny of domestic laws. But that scrutiny had unearthed some shortcomings in the implementation of legislation. A particular value of the Convention was that it had required Sweden to reassess the question whether existing legislation ensured implementation of the Convention's provisions.

5. On issue 2 - whether the Convention could be invoked before the courts - Sweden followed the principle of incorporation, which meant that international treaties did not automatically become part of Swedish law; the Convention could not be invoked as a separate law but did serve as a guide in interpreting existing legislation.

6. The Committee had asked in issue 3 for clarification of the statement in paragraph 1 of the report that "childhood has an intrinsic value and is not a period whose exclusive purpose is to provide thorough preparation for adult life". The topic was a complex one but Sweden's position was basically that children needed to grow up in a manner which disposed them to make their own choices as truly independent human beings, while still enjoying childhood as a period with its own intrinsic values.

7. In response to issue 4, concerning the present status of draft legislation, a separate paper on the subject would be circulated to the Committee shortly. However, existing legislation was largely in conformity with the Convention and no new laws were required to ensure basic compliance.

8. Paragraph 12 of the report listed the measures taken to publicize the Convention (issue 5). In addition, the Swedish text of the Convention had been made available throughout the country and considerable funds had been furnished to enable voluntary organizations of immigrants to have the Convention translated into their own languages: versions now existed in Spanish, Farsi, Arabic, Turkish and Kurdish. The Ministry of Health and Social Affairs was considering further publicity, for example in schools.

9. Issue 6 referred to paragraph 17 of the report, and he could confirm that his Government would introduce a bill in 1993 to establish the post of Commissioner for Children and Young Persons, to which it attached great importance. On the related topic of coordination among children's agencies (issue 7) information was given in paragraphs 25 to 29 of the report, but the Committee had touched upon a difficult issue, for adequate coordination was a constant problem.

10. Under issue 8 the Committee requested clarification of what would constitute "certain cases" or "special cases" for the purposes of paragraphs 38 and 39 of the report. With respect to issue 8 (a), a criminal investigation against an offender under the age of 15 years might be undertaken if it would reveal whether the child needed to be taken care of by the social welfare authorities or whether a person over the age of 15 years had been involved in the preparation of the crime, or if it was needed in order to trace stolen objects. On issue 8 (b), an offender under the age of 18 years might be imprisoned for crimes such as murder, manslaughter or a serious drugs offence, or if all the possibilities of the social services had been exhausted and any measure other than imprisonment appeared ineffective.

11. In response to issue 9 he could confirm that children were entitled to legal counselling irrespective of their age and without parental consent. They could seek medical counselling at school or, without parental consent, in the special social and medical advice centres for young people.

12. The complete list of areas in which aliens were equated with Swedish citizens (issue 10) was contained in the Instrument of Government. To give three examples: aliens enjoyed the same protection against coercion as Swedish citizens with respect to participation in meetings and demonstrations with the purpose of forming and/or expressing opinions; they enjoyed the same status as Swedish citizens in respect of membership of religious or other association; and they enjoyed the same protection as Swedish citizens against discrimination on grounds of race, colour of skin, ethnic origin or sex.

13. Under issue 11 the Committee asked for an indication of "the level of incidents of unlawful discrimination or incitement to racial hatred". Those two categories of offence were covered in the Swedish Penal Code. In 1992 some 70 cases of unlawful discrimination and 60 cases of incitement to racial hatred had been reported. However, very few of them had resulted in court verdicts, with the majority not even coming to court.

14. Sweden had not made a general evaluation of the application of the principle of the best interests of the child (issue 12), but the National Board of Health and Welfare had been commissioned to determine how children's best interests had been affected by recent social welfare spending cuts.

15. Under issue 13 the Committee asked for clarification of the statement in paragraph 52 of the report that "children are entitled to progressively stronger protection of their personal integrity as they grow older". The subject was related to the question of respect for a child's right to privacy raised in issue 17 (paras. 82 and 85 of the report). The wording of the report was inadequate. It was not so much a question of children's integrity as respect for their views. For example, children over the age of 15 were entitled to represent themselves before the authorities, which were also required to listen to the views of younger children. The authorities regarded the age and maturity of the child as the crucial criteria in deciding how to proceed.

16. The percentage of children not born in hospital (issue 14) was insignificant. In the very few cases of delivery at home, individual arrangements were made for health and medical care.

17. Issue 16 concerned ratification of the European Convention on Transfrontier Television. There were in fact two relevant legal instruments, the Convention itself and a European Community directive, which contradicted each other in some respects. Sweden's position was that its rules should be in line primarily with the directive and that ratification of the Convention would depend on resolution of the contradictions.

18. Cases of children subjected to torture or other cruel, inhuman or degrading treatment (issue 18) were extremely rare in Sweden.

19. Mr. MOMBESHORA asked with respect to issue 5 whether Sweden was satisfied in practice with the dissemination of information about the Convention, particularly among children, and what means of dissemination had been found most effective. On the question of the best interests of the child (issue 12), it was possible for children to form mistaken opinions owing to their immaturity and inexperience, so that a contradiction might arise between their best interests and respect for their views. He would like to know what Sweden thought of that problem.

20. Mrs. EUFEMIO said that the problem of coordination (issue 7) was a difficult one. She would welcome more information about how Sweden tackled it.

21. Mgr. BAMBAREN GASTELUMENDI asked the delegation of Sweden to comment on the possibility that, given Sweden's level of economic development, its advanced legislation and the concern of its Government, Swedish children might be over-protected. He would also like to know whether there were any organizations which used children themselves in the dissemination of information and in their efforts to protect children's rights. With regard to issue 9 he asked whether there was any coordination between the authorities and parents in connection with legal and/or medical counselling.

22. Mrs. SANTOS PAIS commended Sweden for its comprehensive report, which showed that the protection of the rights of the child was a serious priority for the Government of Sweden. Much could be learned from the spirit of

cooperation and dialogue with NGOs which had worked with the Government both in ensuring the implementation of the Convention and in preparing the report itself.

23. However, some additional information was needed to clarify four issues. The Convention on the Rights of the Child was used as a guide in interpreting relevant legislation, but the core document (HRI/CORE/1/Add.4) submitted by Sweden mentioned that "a treaty could be incorporated by means of a general law". In view of the interest in the rights of the child manifested by the Swedish Government, could the Convention be made law?

24. Secondly, in the current economic climate, spending cuts were being planned. What criteria were used in evaluating the effect on children of those cuts in the financial resources of the municipal authorities, as referred to in paragraph 14 of the report?

25. Thirdly, the report mentioned attempts to develop a child's perspective in the activities of the social services, and also stated that methods of investigation and documentation were being explored from the child's perspective. However, the report also said that a child's perspective was not always considered to be coincident with the principle of due weight being given to the child's opinion. How was that reflected in practice and what could other countries learn from it?

26. Lastly, legislation existed to protect children from corporal punishment and torture but very often recognition of a right was not sufficient to prevent it from being violated. What were the procedures in Swedish law for intervention when those rights were violated? Was there a specific authority that children could turn to?

27. Miss MASON said that she was impressed by Sweden's legislative enactments, which were certainly the first steps in guiding society towards respect for the rights of the child. However, legislation was not always sufficient to change attitudes in society, so did Sweden envisage other methods of ensuring respect for the rights of the child? The representative of Sweden had referred to approximately 70 cases of unlawful discrimination and racial hatred which had been brought to court, but none of them had led to convictions. In the light of the fact that prosecutions could fail due to technicalities, was the Government of Sweden satisfied that such incidents had been correctly handled, and how did it propose to deal with such incidents in the future?

28. Mr. KOLOSOV requested clarification of a number of points. Normally in civilized societies, aliens enjoyed the same legal rights as nationals, with some exceptions, for instance regarding the purchase of land. However, the report implied that the situation in Sweden was such that aliens enjoyed equal rights only in certain spheres but not as a general rule. In many of its provisions the Convention was very general and overlapped with more specific conventions, for instance the Convention against Torture. Did Sweden plan to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families? Finally, in Sweden a child was

defined as a person under the age of 18, but in paragraph 10 of the report, the demographic data referred to contained the age group "0-17 years". Were there any plans to correct that?

29. Mr. GOMES DA COSTA asked whether respect for the rights of the child was being taught in primary schools and whether there were textbooks available on the Convention.

30. Mr. IFVARSSON (Sweden) said, in response to Mr. Mombeshora's question on dissemination on the Convention, that the Government of Sweden could do still more to increase awareness of the Convention in certain sectors of society, although the Convention was generally well known. His Government cooperated closely with NGOs which were active in that field. Mr. Mombeshora's second question on the best interests of the child was an extremely complex one which was difficult to answer well. As children grew up their opinions and wishes were increasingly taken into consideration, and from the age of 18 they had every right to control their own lives even when that was not objectively in their best interests. It was important to try to establish dialogue with children and together find out their best interests. That was not something that could be resolved through legislation. He requested Mrs. Eufemio to clarify her question.

31. Mrs. EUFEMIO said that she had asked whether there had been problems of coordination, bearing in mind the various councils and NGOs active in Sweden which were all working to promote the best interests of the child.

32. Mr. IFVARSSON (Sweden) said that there were special agencies coordinating the work of the various organizations, namely, the State Youth Council and the National Board of Health and Welfare. Problems of coordination should not be exaggerated as, on the whole, the agencies worked well together. Furthermore, his Government arranged conferences for the representatives of the various agencies in order to discuss such matters as the best interests of the child and measures to implement the Convention.

33. Mgr. Bambaren Gastelumendi had asked whether children were over-protected by the State in Sweden. Traditionally, there was strong government protection of children at different levels of Swedish society, but at the same time there were many youth organizations, funded independently, which worked freely and satisfactorily represented young people. He had also asked the age at which children could receive medical and legal counselling. There was no specific legal age. In practice, children from the age of seven could obtain medical advice without parental consent since they had access to the school doctor or nurse. With regard to contraceptive advice, it was of course preferable if parents were involved but children could seek such counselling without parental consent or knowledge. In some cases it was naturally in the best interests of the child to receive counselling even without parental consent.

34. It would be more appropriate to refer Mrs. Santos Pais' question on the incorporation of the Convention into Swedish law to Mr. Hakansson, who was a legal expert.

35. Mr. HAKANSSON (Sweden) explained that where a convention was specific and covered a narrow field, it was traditional in Sweden to implement that

convention as a law, but when it was more general, such as the Convention on the Rights of the Child, the Government tended to ensure that the provisions of Swedish law corresponded to the convention. The idea was to avoid potential problems with local authorities and courts which would have to deal with an international convention often drafted in the context of a different legal tradition and in unfamiliar language. Nevertheless, there had been considerable debate in Sweden specifically about the possibility of implementing the Convention on the Rights of the Child as a law.

36. Mrs. GYNNA-OGUZ (Sweden), referring to Mrs. Santos Pais' question on the impact of spending cuts on children, said that she could not give any details on the subject but there was genuine popular support for safeguarding the best interests of the child, particularly in the current difficult economic climate. Her Government had commissioned the National Board of Health and Welfare to look into the effect of the cuts on children, with reference, for instance, to education and culture and, most importantly, measures designed to protect children from abuse and neglect, but the Board's report had not yet been submitted.

The meeting was suspended at 11.30 a.m. and resumed at 11.55 a.m.

37. Mrs. GYNNA-OGUZ (Sweden), replying to a question by Mrs. Santos Pais on government intervention in cases of violence against children, said that the Social Services Act provided for a mandatory reporting system. Whenever child affairs authorities learned of any case of ill-treatment of a child, they were bound to report it to the local welfare authorities, who opened an investigation. Mrs. Santos Pais had also asked for further information on how the child's perspective was developed in the activities of the social services. That difficult matter was under continuous discussion in Sweden. Developing a child's perspective meant not only looking at situations through the child's eyes, but having knowledge of his or her needs and level of development. To that end, the National Board of Health and Welfare had been commissioned to study the matter further.

38. Mr. IFVARSSON (Sweden), referring to Miss Mason's question on methods other than legislation used to implement the Convention in Sweden, said that they included cooperation with children's organizations and information activities. In the Swedish authorities' view, however, legislation was necessary in order to help change attitudes. Thus 10 years earlier, legislation had been introduced explicitly forbidding the corporal punishment of children, despite the fact that corporal punishment had already been prohibited under the Penal Code.

39. Mr. LINDQUIST (Sweden), replying to Miss Mason's question on the lack of convictions in cases of racial discrimination, said that Sweden had an independent legal system, with which the authorities did not interfere. However, counteracting racial discrimination was one of the Government's main goals. During the previous year, the police and public prosecutors had granted high priority to combating racial discrimination, and that would certainly influence the number of cases reported in the future. In addition, the Government and the regional authorities were active in different ways at all levels in counteracting discriminatory measures.

40. Mr. HAKANSSON (Sweden), replying to questions by Mr. Kolosov, said that chapter II of the Swedish Constitution guaranteed foreigners the same rights as citizens, except in special cases. Sweden had ratified the main human rights instruments and had begun the process of ratifying the Migrant Workers Convention, which had been translated into Swedish and sent to the authorities for their opinion. Concerning the age of majority, Sweden had no plans to change the current age, which was 18 years.

41. Mr. IFVARSSON (Sweden), replying to a question by Mr. Gomes da Costa, said that a considerable effort was being made to disseminate the Convention in primary schools; although textbooks on the Convention did not exist, on the initiative of the NGOs materials had been produced for use in the schools in order to give children a clear understanding of the important elements of the Convention. His own daughter, for example, when learning that he was to come to Geneva to speak about the Convention, had referred to it as the "children's law". Thus the effort to reach out to the schools had been successful.

42. Reverting to his introductory statement, he underlined the importance Sweden attached to the provision in the Convention enabling the Committee to channel a country's indications of technical and/or financial cooperation needs to a multilateral or bilateral organization dealing with such matters.

43. Concerning education, Sweden was going through a period of considerable change in the school sector, with deregulation, decentralization and reallocation of responsibilities between national and municipal authorities. Two fundamental ambitions of the Government were further to develop the principles of freedom of institutions and freedom of choice for individuals, and to strengthen the quality of Swedish education with special regard for the new international context. In addition, the Government was in the process of creating a new national school curriculum and revising the grading system. The reforms also emphasized issues of internationalization, with plans to strengthen the study of foreign languages in school, to facilitate mobility and exchange, and to improve education in Swedish schools abroad.

44. He wished to mention the active Swedish commitment to the joint WHO-UNICEF initiative on breast-feeding, the Baby Friendly Hospitals campaign and the United Nations International Year of the Family. Government committees had been set up, in all those areas, reflecting Sweden's deep commitment to all matters concerning children.

45. Turning to issues 19-29, he said on issue 19 that surveys were currently under way on awareness of the provisions of the Convention among children and parents. The results of the surveys were expected in October 1993.

46. Regarding issue 20, a table containing information on children in foster care and institutional care was being distributed in the meeting room. He pointed out that the figures on very young children in institutional care represented children institutionalized together with their parents or one parent. In accordance with Swedish policy, very young children should not be in institutions, and every effort was made to place them in foster care.

47. In connection with issue 21, he drew attention to paragraph 94-97 and 158-160 of the report. In addition, the Government had declared its intention

to introduce a reform in the family allowance system in the form of a special care allowance enabling a parent to remain at home with a small child. For financial reasons, however, it was not possible to say when that reform would be introduced.

48. Regarding issue 22, he said that the social welfare services offered various support services on the basis of assessment of the individual's needs. They included support families or contact persons, family counselling for parents contemplating divorce, family care for families in need of therapy, and networking and group work for children of drug-addicted parents.

49. Issue 23 would be dealt with in the reply to issue 36. Paragraph 103 of the report had been intended to inform the Committee that the social welfare services were working on procedures for tracing parents of unaccompanied refugee children but had not yet established detailed procedures. Replying to issue 24, he said that recovery of maintenance for the child was rarely a problem in Sweden, where the recovery rate was 92 per cent. In cases of non-compliance, State funds were advanced up to a certain level, providing a guarantee of support to the parent receiving the allowance.

50. With regard to issue 25, nursing or residential homes were under the constant supervision of the county board and the local social welfare committee, which were empowered to inspect their activities and those of homes providing part-time care. In addition, any private individual or association wishing to establish such a home must apply for permission to the county board. At the national level, the National Board of Health and Welfare was responsible for the supervision of social services throughout the country and gave instructions for alternative child care when necessary.

51. Concerning issue 26, the report of the study group reviewing the forms and organization of supervision of children under care had been discussed by the municipal social welfare committees and the county boards as part of their monitoring activities. The gist of the group's suggestion was that the county authorities should be relieved of investigatory work relating to alcoholics and drug addicts and should instead give priority to homes for children and young people. Unfortunately, the group's report was currently available only in Swedish.

52. Turning to issue 27, he said that in accordance with Swedish policy, adopted children had the right to contact their natural parents. In connection with issue 28, he could provide a list of numerous studies conducted on behalf of the National Board for Intercountry Adoptions, but unfortunately most of them were in Swedish. The studies had not had any direct implications for legislative policy, but they were extensively used in training programmes undertaken for the Board.

53. He could not reply in full to issue 29 as a new Psychiatry Commission had been appointed since the writing of the report. In February that Commission would be publishing a report on the rehabilitation of victims of torture, on which the Government planned to act. However, he could not say what the contents of the report would be.

54. Mr. KOLOSOV, referring to paragraph 118 of the Swedish report, asked how the monitoring of adoptive families was organized in Sweden. In connection with the letter sent to the Committee by Rädda Barnen on the question of refugee children, he requested further information on the relations and dialogue between the Swedish authorities and Rädda Barnen, as well as other NGOs.

55. Miss MASON referring to the question of maintenance (issue 24) and to article 18, paragraph 2, of the Convention, asked whether, in cases where the State provided maintenance as a result of a parent's refusal or failure to do so, that might not be interpreted as usurpation of the parent's duties. In that context she also asked what alternative measures, such as the garnishing of wages, might be applied in order to ensure that a parent fulfilled his responsibilities.

56. Mgr. BAMBAREN GASTELUMENDI, referring to the question of intercountry adoption and specifically to paragraph 120 of the report, asked what had been the outcome of the recent government commission review of the rules governing such adoption. In connection with article 21 (a) of the Convention, he asked whether Sweden was party to any bilateral agreements on intercountry adoption.

57. Mr. GOMES DA COSTA asked how many NGOs concerned themselves with intercountry adoption and what type of relations had been established between them and the Swedish Government. From what geographical regions did the majority of internationally adopted children originate?

58. Mr. HAKANSSON (Sweden), replying to Mr. Kolosov's first question, said that monitoring of adoptive families was carried out directly by local social welfare authorities; national health and welfare authorities had a more general responsibility for adoption matters, as did the government agency for intercountry adoption. It should also be noted that local authorities were involved in the authorization of adoptions.

59. In reply to Mgr. Bambaren Gastelumendi's questions, he said that the government commission appointed to review the existing rules on intercountry adoption had not yet completed its work and would be presenting its report in October 1993. While a small number of bilateral agreements existed with other State adoption agencies, adoption matters were on the whole regulated under the relevant international convention.

60. As to Mr. da Costa's question, he said that NGOs involved in intercountry adoption, of which there were about four, required authorization to engage in such activities. The regions of origin of internationally adopted children were indicated in table 3 of the Swedish report; the main regions in 1991 had been Asia (India and Sri Lanka) and Latin America (Colombia).

61. Mr. IFVARSSON (Sweden) said in reply to Mr. Kolosov's second question that relations between the Swedish Government and NGOs generally and Rädda Barnen in particular were good, and dialogue between them functioned satisfactorily. Rädda Barnen, as an independent agency, naturally had critical views to express on occasion and the points it had raised in the

letter to the Committee had been discussed with the Government. Moreover, the Government and Rädda Barnen, and other NGOs, were cooperating in the dissemination of information on the Convention.

62. Mr. LINDQUIST (Sweden), supplementing the reply given by the previous speaker, said that there was continuous and constructive dialogue between NGOs and the Swedish Government. The matters raised in Rädda Barnen's letter to the Committee had indeed already been discussed on a number of occasions and his Government was also prepared in the future to discuss, both formally and informally matters on which there were differences of view.

63. Mr. HAKANSSON (Sweden) said in reply to Miss Mason's question that in cases where a parent failed to pay maintenance, application could be made to the local social security office to obtain an advance, calculated at a standard minimum level. Arrangements would be made for the maintenance owing to be recovered subsequently from the parent concerned. Recourse could be had to garnishing wages for that purpose. The matter of maintenance should also be viewed in the broader context of the absent parent - in many cases, the father. In that respect, efforts were being made by means of information campaigns to ensure that parents, and specifically fathers, were aware of their responsibilities.

64. Mr. IFVARSSON (Sweden) endorsed the comments of the preceding speaker; the matter should indeed be seen in the context of the best interests of the child and in terms of maintaining his or her relations with both parents.

65. Mrs. SANTOS PAIS, bearing in mind the fact that Swedish adoption policy might be viewed as an example in the context of intercountry adoption as a whole, asked whether any attempt was made to ensure that the adopted child maintained some contact with his or her ethnic, religious or other origins, whether the child automatically took the name of the adoptive family, and whether he or she automatically adopted Swedish nationality or had the option of retaining his or her original nationality.

66. Mr. HAKANSSON (Sweden) said in reply that some consideration had been given to the interest an adopted child might have in remaining in touch with his or her origins and that it was common for such children, at around age 15, to visit their places of origin. Such visits did not on the whole seem to give rise to any conflict between the child's sense of origin and his or her feelings of belonging to a new family. An adopted child could retain his or her name in combination with the new name. On the question of nationality, the granting of Swedish citizenship was expedited in the case of adopted children. In general, it was considered simpler for an individual to have only one nationality and there were no special rules for adopted children.

The meeting rose at 1 p.m.